PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoshihiro MASUDA

Group Art Unit: 2179

Application No.: 10/646,828

Examiner: T. TRAN

Filed: August 25, 2003

Docket No.: 116937

For: WORK SPACE CONTROL APPARATUS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This request is being filed with a Notice of Appeal. Review of the March 7, 2008 Final Rejection is requested for the reasons set forth in the attached five or fewer sheets.

Should any questions arise regarding this submission, or the Review Panel believe that anything further would be desirable in order to place this application in even better condition for allowance, the Review Panel is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Daniel A. Tanner, III
Registration No. 54,734

JAO:DAT/cfr

Date: June 6, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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REMARKS

Claims 1-13, 15, 16 and 18-21 are pending in this application. The Office Action, in paragraph 4, rejects claims 1-13, 15, 16 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,119,147 to Toomey et al. (hereinafter "Toomey") in view of U.S. Patent No. 6,583,808 B2 to Boulanger et al. (hereinafter "Boulanger"). This rejection is respectfully traversed.

Claim 1 recites, among other features, a detection device that detects an activity event conducted by each object in the work space including at least one non-simulated real space; an activity event control device that saves the activity event detected while relating the activity event detected to time for each object during which each object conducts the detected activity event and a non-simulated real place for each object where each object conducts the detected activity event; and a display device that displays the saved activity event by displaying the respective object conducting the saved activity event; wherein the objects in the work space include a person in the at least one non-simulated real space. Claim 19 recites similar features.

With respect to the rejections of claims 1 and 19, Applicant previously argued that the features recited in these claims could not reasonably be considered to have been suggested by the asserted combination of applied references. Specifically, Applicant's noted that Toomey at least at col. 6, lines 49-54 teaches that, during the meeting shown in, for example, Fig. 3, each utterance 1005 is displayed by the appropriate user's interface as a cartoon-style balloon emanating from the user's avatar and the text of the utterance is saved, along with its associated user identity and time stamp. Applicant argued that, in this regard, Toomey fails to disclose, or reasonably to have suggested, relating the activity event detected to a place where each object conducts the detected activity event as is positively recited, among other features, in independent claims 1 and 19.

In response, the present Office Action asserts that the Examiner has now adequately covered this feature in the ongoing rejection of claim 1 over the above combination of applied references. Specifically, the Office Action states that events are saved along with an associated user, client's identification or user's identification and time. The Office Action concludes that Toomey further suggests that relating the detected activity event to time and place where each object conducts the detected activity event is somehow indicated by the asynchronous meeting system of Toomey using a client-server architecture and saving events along with associated user/client's identification or user's identification and time asserting that the IP address which is identified during each event identifies the client device where the user conducts the meeting activity. This assertion fails to show how Toomey can reasonably be considered to teach, or to have suggested, at least the feature relating the activity event detected to a non-simulated place for each object where each object conducts the detected activity event as is positively recited, among other features, in independent claims 1 and 19.

The Office Action goes on to indicate that Toomey does not expressly teach non-simulated real space and that objects in the work space include a person in the at least one non-simulated real space, but concludes that it would have been obvious to realize that the participants participating in the virtual meeting are persons interacting with each other through the user interface of Toomey. In this regard, despite the assertions to the contrary in the Response to Arguments section, the Office Action continues to fail to point out specifically where the feature "relating the activity detected to ... a non-simulated place for each object where each object conducts the detected activity event" is anywhere suggested by Toomey. The Office Action overly broadly construes the disclosure of Toomeny for what it can reasonably be considered to teach, or to have suggested, with respect to the subject matter of at least independent claims 1 and 19 with respect to the above-quoted feature. Certainly,

the associated user, the client's identifier, the user's identifier and the time are not a "place," as recited in claims 1 and 19.

Boulanger is not applied in a manner that would overcome the above-identified shortfall in the application of Toomey to the subject matter of the pending claims. For at least the foregoing reasons, the combination of Toomey and Boulanger cannot reasonably be considered to have suggested the combinations of all of the features positively recited in independent claims 1 and 19. Further, claims 3-10 and 12 also would not have been suggested by this combination of references for at least the respective dependence of these claims directly or indirectly on an allowable claim 1, as well as for the separately patentable subject matter that each of these claims recites.

With regard to the feature an activity event control device that saves the detected activity event, which is conducted by each object, in association with each object and saves a link to another object that conducts the detected activity event together, in association with the object, as recited, among other features, in independent claims 2, 11, 13, 15, 16, 18, 20 and 21, this feature is also neither taught, nor would it have been suggested, by Toomey as is asserted in the Office Action. The Office Action, as did the previous Office Action, alleges that such a feature is depicted in Fig. 12 and described at col. 8, line 36 - col. 9, line 19. The Office Action asserts that events are saved along with the associated user, client's identification or user's identification and time. Again, the Office Action asserts that Toomey does not expressly teach non-simulated real space and that the objects in the work space include a person in the at least one non-simulated real space asserting that such a feature would have been obvious with arguments such as those set forth above.

With respect to the application, however, of Toomey, Fig. 12 shows an example of a log 1045, which can be reviewed in a web browser with the associated links 1160 (see col. 11, lines 38-40). Each entry in the log 1045 is a link that initiates playback of the

recorded meeting from the point corresponding to the selected entry (see col. 8, lines 64-67). The Office Action attempts to allege that the "object" recited in claim 2 may be equivalent to the persons who have a meeting shown in Fig. 12. In the cited portion, Toomey discusses two crucial processes including an overview of the meeting, that can be scanned quickly, supporting both browse and search goals, and direct access to points of interest, enabling meeting segments to be replayed on the basis of particular interest. There is nothing in the cited portion of Toomey, or otherwise in Toomey, that can reasonably be considered to suggest the above-quoted feature positively recited in the pending independent claims. Specifically, there is nothing in Toomey that can reasonably be alleged to teach any activity of end control device that saved the detected activity event, which is conducted by each object, in association with each object and saves a link to another object that conducts the detected activity event together, in association with the object.

The above individual elements, even if they could be shown in Toomey, are not shown as being saved together in association with each other, quite to the contrary. As is clear from col. 8, lines 64-67, and col. 11, lines 38-40 of Toomey, Fig. 12 of Toomey does not disclose a link to each of the alleged "object(s)".

In the Response to Arguments section, the Office Action alleges that all activities during an asynchronous meeting are recorded and logged and that links are provided for each activity as conducted by the objects. Regardless of the truth of this statement, and contrary to the conclusion rendered by the Office Action, there is nothing in Toomey, or in the combination of Toomey and Boulanger, that can reasonably be considered to save associated links to the alleged multiple objects. Attempting to expand the disclosure of Toomey to encompass such a feature disregards the totality of the disclosure of Toomey, and overly broadly applies that disclosure to the subject matter of the pending claims. As such, Toomey cannot reasonably be considered to teach, or to have suggested, the combinations of all of the

features recited in, for example, independent claims 2, 11, 13, 15, 16, 18, 20 and 21, all of which recite similar features.

The strained approach that the Office Action continues to take in attempting to find suggested the subject matter of the pending claims without adequately giving proper construction to each of the positively recited claim terms renders the obviousness rejections of the pending Office Action improper on their face. It should be noted that although most of Applicant's arguments are directed to the disclosure of the Toomey reference and how it is applied in attempting to render obvious the subject matter of the pending claims, nothing in the application of Boulanger to the subject matter of the pending claims overcomes any of the above-identified shortfalls in the application of Toomey to the subject matter of the pending claims. Simply put, the Office Action fails to show how this combination of applied references would have suggested at least the above-quoted features as recited in each of the independent claims, as enumerated.

Based on the foregoing, Applicant respectfully submits that any permissible combination of Toomey and Boulanger would not have rendered obvious the subject matter of the pending claims. This Office Action, as did the previous Office Action, despite the assertions to the contrary in the Response to Arguments section, fails to adequately show how an IP address can reasonably be considered to correspond to a place as recited in the pending claims. Additionally, for the reasons indicated above, the alleged "objects" in Toomey are not linked in a manner that can reasonably be considered to encompass all of the features positively recited in the other independent claims.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-13, 15, 16 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Toomey and Boulanger are respectfully requested.